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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

LAILA BATTS,)	NO. C08-00286 JW
)	
Plaintiff,)	JOINT CASE MANAGEMENT
)	STATEMENT
v.)	
)	Date: May 5, 2008
COUNTY OF SANTA CLARA, and)	Time: 10:30 a.m.
Does 1 through 20,)	Dept: 6
)	Judge: Honorable James Ware
)	
Defendants.)	

The parties to the above entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

DESCRIPTION OF THE CASE

1. Jurisdiction and Service: This action is brought pursuant to 42 U.S.C. §1983 and subject matter jurisdiction is proper pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367. No issues exist regarding personal jurisdiction and venue. Plaintiff may serve additional parties. The parties propose that all parties be served on or before July 31, 2008.
2. Facts: Plaintiff was incarcerated in the Santa Clara County Women's Correctional Center ("Elmwood") between January 5 and 14, 2007. Plaintiff was pregnant at the time, she indicated her pregnancy during her intake, and pregnancy test was positive. Plaintiff contends that she reported severe pain and blood spotting early during her incarceration, and she

1 repeatedly requested emergency medical care. She also alleges it was obvious from her
 2 appearance and expression that she suffered a serious medical condition and needed immediate
 3 attention. She further alleges that her requests and serious condition were ignored, and that she
 4 was refused needed medical care. Even after a delayed visit with a physician on January 10, her
 5 requests for emergency medical treatment went unheeded. After her release from the facility,
 6 plaintiff received emergency medical care for an ectopic¹ pregnancy, including emergency
 7 surgery. Plaintiff contends that defendants' refusal to provide her with necessary care put her
 8 very life at risk, and resulted in substantial medical costs, pain and emotional distress.

9 Defendant contests the nature and extent of Plaintiff's reports. Defendants allege
 10 that plaintiff was housed accordingly and a medical appointment with the part-time OB/GYN
 11 was timely scheduled. Defendant alleges that plaintiff did at various points complain of
 12 spotting and pain, but that County correctional, nursing, and physician staff's responses to these
 13 complaints were appropriate. The parties are both still in the process of gathering the exact
 14 facts and sequence of events regarding Plaintiff's complaints.

15 Plaintiff claims that the County and its employees were deliberately indifferent to her
 16 serious medical needs and committed negligence in her care and treatment.

17 3. Legal Issues: Plaintiff brings three claims. The first is a claim pursuant to 42 U.S.C.
 18 §1983 for violation of her Eighth and Fourteenth Amendment rights. The second is a claim
 19 pursuant to California Government Code section 845.6. The third claim is a claim for
 20 professional negligence.

21 a. First Claim: A prisoner may establish a section 1983 claim under the Eighth and
 22 Fourteenth Amendments against prison officials who acted with deliberate indifference to the
 23 threat of serious harm or injury. *Leer v. Murphy*, 844 F.2d 628, 633 (9th Cir. 1988). Under the
 24 deliberate indifference standard, a plaintiff must demonstrate that prison officials knew that he

25 ¹According to Medicine.Net and ectopic pregnancy is as follows: A pregnancy that is not in the
 26 uterus. The fertilized egg settles and grows in any location other than the inner lining of the uterus. The large
 27 majority (95%) of ectopic pregnancies occur in the Fallopian tube. However, they can occur in other
 28 locations, such as the ovary, cervix, and abdominal cavity. An ectopic pregnancy occurs in about 1 in 60
 pregnancies. Most ectopic pregnancies occur in women 35 to 44 years of age. Ectopic pregnancies are
 frequently due to an inability of the fertilized egg to make its way through a Fallopian tube into the uterus.
<http://www.medterms.com/script/main/art.asp?articlekey=3188>

1 or she faced a substantial risk of serious harm and that they disregarded that risk by failing to
 2 take reasonable measures to abate it. *Farmer v. Brennan*, 114 S. Ct. 1970, 1979 (1994). To
 3 establish a section 1983 claim for failure to provide medical care, the prisoner must demonstrate
 4 that the defendants' "acts or omissions [were] sufficiently harmful to evidence deliberate
 5 indifference to serious medical needs." *Estelle v. Gamble*, 429 U.S. 97, 106 (1976). "Such
 6 indifference may be manifested in two ways. It may appear when prison physicians deny, delay
 7 or intentionally interfere with medical treatment, or it may be shown by the way in which prison
 8 physicians provide medical care." *Estelle*, 429 U.S. at 104-05. The delay in medical treatment
 9 must have caused substantial harm. *Shaply v. Nevada Bd. of State Prison Comm'rs*, 766 F.2d
 10 404, 407 (9th Cir. 1985).

11 Defendant needs to develop the facts further to determine whether or not plaintiff can
 12 meet the deliberate indifference standard and prove other elements of the claim.

13 b. Second Claim: Government Code section 845.6 provides that a public employee
 14 and public entity is liable for injury proximately caused by the failure to furnish medical care
 15 where an employee has reason to know that the prisoner is in need of immediate medical care
 16 and fails to take reasonable action. Discovery is needed to determine the viability of this claim.

17 c. Third Claim: Like above, the professional negligence claim is fact dependent and
 18 discovery is needed.

19 4. Motions: Defendant filed an answer. There are no pending motions. It is too early
 20 to determine whether either party will file a motion for summary judgment or partial summary
 21 judgment.

22 5. Amendment of Pleadings: Plaintiff will amend the complaint to add individual
 23 defendants when their identities and circumstances giving rise to liability are discovered.

24 6. Evidence Preservation: Defendant has obtained or requested plaintiff's correctional
 25 and medical files in their custody. It is not evident to defendants what additional evidence
 26 needs to be preserved. Defendant requests that plaintiff preserve copies of grievances and other
 27 paperwork she prepared or received while in custody, as well as any non-privileged notes or
 28 other relevant documents. Plaintiff requests that all grievances and other paperwork associated

1 with the facts underlying this case also be preserved.

2 7. Disclosures: Initial disclosures are scheduled to be completed on April 29, 2008.

3 Parties have agreed to comply with the deadline.

4 8. Discovery: The parties completed their Federal Rule of Civil Procedure 26f
5 conference on April 17, 2008. No discovery has occurred at this time. The parties agree to
6 comply with the Federal Rules and Local Rules for discovery.

7 9. Related Cases: There are no related proceedings.

8 10. Relief: Plaintiff requests general and special damages, including pain suffering,
9 incurred medical expenses, lost wages, and other damages. Plaintiff is still seeking the total
10 cost of medical care and calculating damages.

11 11. Settlement and ADR: The parties have requested a settlement conference with a
12 magistrate judge and filed the appropriate ADR certifications. The parties have discussed the
13 utility in early settlement negotiations but agree that some early discovery is needed before
14 either party is in a position to discuss their settlement positions. Specifically, the parties need to
15 review the medical records relevant to plaintiff's care and treatment, as well as the records
16 concerning plaintiff's incarceration and her requests for medical care. Additionally, it is
17 possible that some select depositions will be necessary beforehand and possibly consultations
18 with experts/consultants. Thus, the parties agree that while ADR is appropriate for this case the
19 parties may need to engage in some early discovery beforehand.

20 12. Consent to Magistrate Judge For All Purpose: Defendant did not consent to a magistrate
21 assignment for this case.

22 13. Other References: The case is not suitable for binding arbitration.

23 14. Narrowing of Issues: The parties do not have any suggestions at this time for narrowing
24 issues.

25 15. Expedited Schedule: While the parties do not believe this case will take an
26 extraordinary amount of time, the parties do not believe that streamlining measures are needed
27 to move the case along. The parties will conduct written discovery, serve document subpoenas,
28 take depositions, retain experts, and then prepare for resolution or trial.

16. Scheduling: The parties propose the following schedule:

a. Last day to add additional parties is July 31, 2008.

b. Close of percipient discovery is January 30, 2008.

c. Last day to file dispositive motions is January 30, 2009.

d. Last day for plaintiff to disclose expert witnesses pursuant to Federal Rule of Civil Procedure Rule 26 is March 20, 2009.

e. Last day for defendant to disclose expert witnesses pursuant to Federal Rule of Civil Procedure Rule 26 is April 10, 2009.

f. Close of expert discovery is July 6, 2009.

g. Pretrial conference for August of 2009 at the convenience of the Court's calendar.

h. Trial for fall of 2009 at the convenience of the Court's calendar.

17. Trial: The parties anticipate that the case will be tried to a jury and anticipate that the expected length is 4-6 days.

18. Disclosure of Non-party Interested Entities or Persons: This rule does not apply to defendant County. Plaintiff will file necessary disclosures prior to the case management conference.

Dated: April 24, 2008

/S/ JEREMY L. FRIEDMAN
JEREMY L. FRIEDMAN

Attorneys for Plaintiff
LAILA BATTS

Dated: April 24, 2008

/S/ ARYN PAIGE HARRIS
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